

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 12, “Filing Returns, Payment of Tax, Penalty and Interest,” Chapter 40, “Determination of Net Income,” Chapter 42, “Adjustments to Computed Tax and Tax Credits,” Chapter 52, “Filing Returns, Payment of Tax, Penalty and Interest, and Tax Credits,” Chapter 53, “Determination of Net Income,” and Chapter 67, “Administration,” Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXXIV, No. 5, p. 347, on September 7, 2011, as **ARC 9741B**.

Item 1 amends 701—Chapter 12 by adding new rule 701—12.18(423) to provide for the biodiesel production refund for sales and use tax for certain producers of biodiesel.

Item 2 amends 701—Chapter 40 by adding new rule 701—40.77(422) to provide for the exclusion from Iowa individual income tax of the amount of biodiesel production refund reported as income on the federal income tax return.

Items 3, 4 and 5 amend the introductory paragraph of rule 701—42.33(422), subrule 42.33(1) and the implementation sentence for rule 701—42.33(422) to provide for changes in the E-85 gasoline promotion tax credit for Iowa individual income tax for E-85 gasoline gallons sold on or after January 1, 2012.

Items 6, 7 and 8 amend the introductory paragraph of rule 701—42.34(422), subrule 42.34(1) and the implementation sentence for rule 701—42.34(422) to provide for changes in the biodiesel blended fuel tax credit for Iowa individual income tax for biodiesel blended fuel gallons sold on or after January 1, 2012.

Items 9, 10 and 11 amend subrule 42.39(2), subrule 42.39(5) and the implementation sentence for rule 701—42.39(422) to provide for changes in the ethanol promotion tax credit for Iowa individual income tax for ethanol blended gallons sold on or after January 1, 2011.

Item 12 amends 701—Chapter 42 by adding new rule 701—42.46(422) to provide for the new E-15 plus gasoline promotion tax credit for individual income tax for E-15 plus gasoline gallons sold on or after July 1, 2011.

Items 13, 14 and 15 amend the introductory paragraph of rule 701—52.30(422), subrule 52.30(1) and the implementation sentence for rule 701—52.30(422) to provide for changes in the E-85 gasoline promotion tax credit for Iowa corporation income tax for E-85 gasoline gallons sold on or after January 1, 2012. These changes are similar to the changes in Items 3, 4 and 5.

Items 16, 17 and 18 amend the introductory paragraph of rule 701—52.31(422), subrule 52.31(1) and the implementation sentence for rule 701—52.31(422) to provide for changes in the biodiesel blended fuel tax credit for Iowa corporation income tax for biodiesel blended fuel gallons sold on or after January 1, 2012. These changes are similar to the changes in Items 6, 7 and 8.

Items 19 and 20 amend subrules 52.36(2) and 52.36(5) to provide for changes in the ethanol promotion tax credit for Iowa corporation income tax for ethanol blended gallons sold on or after January 1, 2011. These changes are similar to the changes in Items 9 and 10. Item 21 amends the implementation sentence in rule 701—52.36(422).

Item 22 amends 701—Chapter 52 by adding new rule 701—52.43(422) to provide for the new E-15 plus gasoline promotion tax credit for corporation income tax for E-15 plus gasoline gallons sold on or after July 1, 2011. This change is similar to the change in Item 12.

Item 23 amends 701—Chapter 53 by adding new rule 701—53.26(422) to provide for the exclusion from Iowa corporation income tax of the amount of biodiesel production refund reported as income on the federal income tax return. This change is similar to the change in Item 2.

Items 24 and 25 amend rule 701—67.27(452A) and the implementation sentence for rule 701—67.27(452A) to provide that the annual report filed by retail dealers of motor fuel must include the number of motor fuel gallons sold on both a companywide basis and a site-by-site basis.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments will become effective December 7, 2011, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code sections 422.7, 422.11N, 422.11O, 422.33, 422.35 and 452A.33 as amended by 2011 Iowa Acts, Senate File 531; sections 422.11P and 423.4 as amended by 2011 Iowa Acts, Senate File 531 and Senate File 533; and 2011 Iowa Acts, Senate File 531, section 35, as amended by 2011 Iowa Acts, Senate File 533.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 12, 40, 42, 52, 53, 67] is being omitted. These amendments are identical to those published under Notice as **ARC 9741B**, IAB 9/7/11.

[Filed 10/12/11, effective 12/7/11]

[Published 11/2/11]

[For replacement pages for IAC, see IAC Supplement 11/2/11.]